

OFFICIAL COPY

Fresno, California

April 23, 2002

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

An invocation was given and the Pledge of Allegiance to the Flag was recited.

PROCLAMATION OF ADMINISTRATIVE PROFESSIONALS WEEK - COUNCILMEMBER DUNCAN

PRESENTATION OF VALOR AWARDS TO FIRE CAPTAIN OCKEY, FIREFIGHTER SILGUERO AND FIREFIGHTER PERKINS

PROCLAMATION OF C.A.S.A. DAY

INTRODUCTION OF A NIGERIA DELEGATION VISITING AS PART OF A ROTARY GROUP STUDY EXCHANGE - MAYOR AUTRY

PROCLAMATION OF VICTIMS' RIGHTS WEEK - ACTING PRESIDENT CASTILLO

PROCLAMATION OF ASTHMA DAY - PRESIDENT PEREA

(Add-on) PROCLAMATION OF ARMENIAN GENOCIDE REMEMBRANCE DAY

The above proclamations, introductions and awards were read and presented.

- - - -

The City Council recessed and convened in joint session with the Redevelopment Agency at the hour of 9:22 a.m.

APPROVE AGENCY MINUTES OF APRIL 9, 2002

On motion of Councilmember Ronquillo, seconded by Acting President Castillo, duly carried, RESOLVED, the Agency minutes of April 9, 2002, approved as submitted.

APPROVE AGENCY AGENDA:

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Agency Agenda hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“A”) APPROVE PURCHASE OF PROPERTY AT 1242 “A” STREET FOR THE LAVERA WILLIAMS DAY CARE PROJECT (AGENCY ACTION)

A motion and second was made to approve the purchase and Councilmember Ronquillo spoke briefly in support and commended the Williams’ for their investments in west Fresno.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the purchase of property from Mr. and Mrs. David and Ms. Robertson located at 1242 “A” Street for the purchase price of \$33,000 to be utilized as a portion of the site the LaVera Williams Day Care Center hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“B”) CONSIDER APPROVAL OF A VALET PARKING SERVICES AGREEMENT BETWEEN THE CITY AND VALLEY VALET, INC., TO PROVIDE A PILOT VALET PARKING PROGRAM DURING THE 2002 BASEBALL SEASON FOR THE DOWNTOWN MULTI-PURPOSE STADIUM (COUNCIL ACTION)

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 612 “F” Street, spoke in support.

Ms. Murphey clarified issues and responded to questions of Councilmembers Quintero and Castillo relative to whether a Request for Proposals (RFP) was issued or required , if Valley Valet was a new company, if Golden Eagle had been considered for inclusion in the process, termination clause, and if there would be immediate access to parking lots not fully utilized. Councilmembers Boyajian and Ronquillo spoke in support of the proposal and commended staff. Councilmember Quintero made a motion to table the matter one week for staff to talk with Golden Eagle and see if they were interested due to the number of years Golden Eagle had supported downtown in the past, which motion was seconded by Acting President Castillo. Brief discussion ensued on there being no council meeting for two weeks, the delay and impact to the stadium opening, and delaying action to the afternoon and contacting Golden Eagle immediately. With Golden Eagle present Councilmember Quintero withdrew is motion to allow for public input.

Richard Thompkins, Golden Eagle Parking, spoke to the need to make these types of issues more public in the future and spoke in support of Valley Valet's proposal stating in this case it was their initiative.

Brief discussion ensued on whether staff was considering trolleys/buses/alternative transportation, Chair Duncan spoke in support and made a motion to approve staff's recommendation, and City Attorney Montoy stated housekeeping issues may be necessary in the future and advised the motion would be conditioned upon any future house keeping resolution.

On motion of Chair Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Valley Valet, Inc., proposal for a valet parking program to be implemented as a pilot program during the first year of operation of the downtown multi-purpose stadium hereby approved, *conditioned upon any future needed housekeeping resolution*, and the City Manager or designee authorized to negotiate and execute the Valet Parking Services Agreement with Valley Valet, Inc., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“C”) RESOLUTION NO. 2002-132 - DIRECTING THE PLANNING COMMISSION TO SELECT ONE OR MORE PROJECT AREAS COMPRISED OF ALL OR PART OF THE SURVEY AREA THAT COUNCIL DESIGNATED TO STUDY AS THE 99-GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PLAN AREA

A motion and second was made to approve staff's recommendation. Councilmember Ronquillo commented on how redevelopment has been successful in other cities, cautioned Council about expanding areas just for the sake of expanding, and urged the City to do all it could to partner with Fresno County or anyone else willing to come in and help build out business parks with all the needed infrastructure.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-132 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

- - - -

The joint bodies recessed to later in the meeting for a joint closed session and the City Council reconvened at 9:51 a.m.

APPROVE CITY COUNCIL MINUTES OF APRIL 16, 2002

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of April 16, 2002, approved as submitted.

- - - -

APPROVE AGENDA:

REQUEST FOR STAFF TO LOOK INTO RELATIONSHIP WITH THE SPCA AND STRENGTHENING THE VICIOUS DOG ORDINANCE TO ALLOW FOR DISPOSAL OF VICIOUS ANIMALS AND MAKING OWNERS RESPONSIBLE - PRESIDENT PEREA

Request made with President Perea citing an incident over the past weekend, with City Attorney Montoy responding and advising staff would report back on May 7th.

THANKS TO CITY COUNCIL FOR APPROVAL AND HNR STAFF LYNN BOWNESS FOR WORK AND EFFORTS IN THE SOUTHEAST FRESNO SELF HELP PROJECT - COUNCILMEMBER QUINTERO

Thanks/commendation made.

(3:15 P.M.) WORKSHOP ON DOWNTOWN PARKING ISSUES INCLUDING METERS AND GARAGE OPERATIONS

1. RESOLUTION - RELATING TO DOWNTOWN PARKING ISSUES INCLUDING METERS AND GARAGE OPERATIONS

Councilmember Quintero noted the lack of material in the council packet and questioned if a resolution was going to be adopted, with City Attorney Montoy and Assistant City Manager Souza responding. The matter was left on the agenda as scheduled.

** A visiting class from Turner Elementary School was recognized and welcomed.

(10:00 A.M. #1) HEARING ON PLAN AMENDMENT NO. A-01-27, REZONING APPLICATION NO. R-01-45, AND ENVIRONMENTAL FINDINGS, FILED BY EDUARDO QUINTANA, PROPERTY LOCATED ALONG THE WESTERLY SIDE OF N. HUMBOLDT AVENUE SOUTH OF W. BELMONT (459 N. HUMBOLDT) (*PROPERTY LOCATED IN DISTRICT 2*)

City Clerk Klisch advised the property was located in District 3, not 2. So noted and corrected.

DIRECT STAFF TO SCHEDULE ON THE NEXT AGENDA: DISCUSSION/ACTION ON GIVING THE MODEL OF THE DOWNTOWN STADIUM DEDICATION PLAQUE TO THE FRESNO ATHLETIC HALL OF FAME - COUNCILMEMBER QUINTERO

Direction made.

** A visiting Fresno High business marketing class was recognized and welcomed.

REQUEST STAFF TO PROVIDE AN UPDATE REPORT/PRESENTATION ON THE EMPOWERMENT ZONE PROJECT - COUNCILMEMBER DUNCAN

Request made.

REQUEST FOR PRESENTATION/REPORT ON PLANS TO UPDATE THE CITY OF FRESNO WEBSITE
INCLUDING DATE - COUNCILMEMBER DUNCAN

Request made.

DIRECT STAFF TO SCHEDULE ON THE MAY 14TH AGENDA: DISCUSSION ON MERITS OF RESTRICTING
FULL SERVICE HOTELS TO THE DOWNTOWN DISTRICT - COUNCILMEMBER RONQUILLO

Set for May 14, 2002, at 10:45 a.m.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the
AGENDA hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

ADOPT CONSENT CALENDAR:

(1-B) * RESOLUTION NO. 2002-133 - 17TH AMENDMENT TO SALARY RES. 01-100 (1) RETITLING THE CLASS OF WATER SYSTEM SUPERVISOR I TO WATER SYSTEM SUPERVISOR; (2) DELETING THE CLASSES OF WATER SYSTEM SUPERVISOR II, WATER DISTRIBUTION SUPERVISOR I AND WASTE PRODUCTION SUPERVISOR I FROM EXHIBIT 2, SECTION 2.4/MANAGEMENT-NON-CONFIDENTIAL CLASSES; AND (3) ADJUSTING SALARY RANGES OF SENIOR WATER SYSTEMS TELEMETRY AND DISTRIBUTED CONTROL SPECIALIST, WATER CONSERVATION SUPERVISOR, CHIEF OF SOLID WASTE OPERATIONS, AND SOLID WASTE MANAGEMENT SUPERVISOR I

(1-C) RESOLUTION NO. 2002-134 - AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS AND TO PROVIDE VERBAL INSTRUCTIONS AS REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS

(1-F) DECLARING SURPLUS EQUIPMENT AND AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF THE EQUIPMENT IN CONFORMANCE WITH FRESNO MUNICIPAL CODE SECTION 3-202

(1-H) ACCEPT A DEED OF EASEMENT FROM IRENE COTTON, TECOLA ARNOLD SIMPSON AND MODDIE THARP AND APPROVE AN AGREEMENT FOR THE ACQUISITION OF A SEWER EASEMENT FROM THEIR PROPERTY AT 315 W. NORTH AVENUE FOR THE NORTH AVENUE TRUNK SEWER AT THE APPRAISED VALUE PRICE OF \$8,380, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW

(1-I) * RESOLUTION NO. 2002-135 - 94TH AMENDMENT TO AAR 01-200 APPROPRIATING \$65,000 OF REVENUE RELATED TO PROPOSED CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 8 (THE ZONE SPORTS COMPLEX)

(1-K) AUTHORIZE THE CHIEF OF POLICE, ON BEHALF OF THE CITY, TO ENTER INTO A CONTRACT WITH THE FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE OFFICERS TO HIGH SCHOOLS AND CERTAIN MIDDLE SCHOOLS WITHIN THE DISTRICT

(1-L) **RESOLUTION NO. 2002-136** - APPROVING THE APPLICATION FOR FY 2002-2003 STATE GRANT FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE POSITIVE ALTERNATIVES PROGRAM, POLICE ACTIVITIES LEAGUE, AND AUTHORIZING EXECUTION OF DOCUMENTS

(1-N) **RESOLUTION NO. 2002-137** - APPROVING THE APPLICATION FOR FY 2002 GRANT FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE CONTINUATION OF THE TRUANCY UNIT SUPPORTED BY THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT, AND AUTHORIZING EXECUTION OF DOCUMENTS

(1-O) AUTHORIZE THE ASSISTANT CITY MANAGER/INTERIM DIRECTOR OF TRANSPORTATION TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) TO PROVIDE SECURITY SERVICES FOR THE FYI AIRPORT SCREENING CHECKPOINT

(1-P) **RESOLUTION NO. 2002-138** - SETTING FORTH THE NECESSARY FINDINGS IN SUPPORT OF RESOLUTION NO. 02-100 GRANTING VARIANCE APPLICATION NO. V-01-17, FILED BY ELLIS ENTERPRISES, FOR A 45+ ACRE PROJECT SITE LOCATED AT THE NORTHEAST CORNER OF E. SHEPHERD AND E. CHAMPLAIN DRIVE (LOCATED IN DISTRICT 6)

(1-Q) **RESOLUTION NO. 2002-139** - APPROVING THE FINAL MAP OF TRACT NO. 4933 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTH SIDE OF W. HERNDON BETWEEN N. POLK AND N. CORNELIA (LOCATED IN DISTRICT 2)

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE (a) THE SUBDIVISION AGREEMENT, (b) STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND (c) DEED OF AVIGATION AND HAZARD EASEMENT

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE (a) THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY, AND CREATION OF LIEN, AND (b) THE STATEMENT OF COVENANTS FOR PLANTING AND MAINTAINING FRONT YARD TREES

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(9:35 A.M.) APPEARANCE BY KARIN ANDERSON-LLOYD, CENTRAL VALLEY MAYOR’S COMMITTEE FOR THE PARTNERSHIP AND ADVOCACY OF PEOPLE WITH DISABILITIES, TO ENCOURAGE COUNCILMEMBERS TO JOIN THE COMMITTEE AND PARTICIPATE IN THEIR EFFORTS IN PROMOTING AWARENESS AND ADVOCACY OF PERSONS WITH DISABILITIES

Appearance made; no action taken.

- - - -

(9:40 A.M.) APPEARANCE BY RONALD ALLISON TO REQUEST CONSIDERATION AND ACTION REGARDING THE SALE OF A PARCEL OF LAND ON BROADWAY FOR 642 PARKING SPACES FOR AN IRS FACILITY

(3 - 0) Appearance and request made. Councilmembers Ronquillo and Boyajian commended Mr. Allison and Mr. Briggs’ for their investments downtown, asked the City to do all they could to assist Mr. Allison, and presented questions relative to the purchase of the Helm Building, when escrow would close, and if there were any issues with the land, with Mr. Allison and Director Fitzpatrick responding. President Perea requested the City Manager, Agency Director and staff conduct an analysis on the request, and Acting President Castillo questioned if direction was going to include meeting with any other interested parties. Councilmember Calhoun stated he felt giving direction was inappropriate as this was scheduled as an informational appearance only and also because there was a process that was in place and needed to be followed. Brief discussion ensued.

A motion and second was made by Councilmembers Ronquillo and Boyajian to direct City and Agency staff to meet on the request and report back. Councilmember Calhoun stated he was strongly opposed, direction was inappropriate, it looked like someone was getting fast tracked, and reiterated there was a process.

A motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, to direct City and Agency staff to meet on Mr. Allison’s request and report back failed, by the following vote:

Ayes	:	Boyajian, Quintero, Ronquillo
Noes	:	Calhoun, Castillo, Duncan, Perea
Absent	:	None

- - - -

(10:00 A.M. #2) PRESENTATION OF EMPLOYEE SERVICE AWARDS (2ND FLOOR FOYER)

At 10:23 a.m. the City Council convened to the 2nd floor foyer and presented Resolutions of Commendation to employees with 10, 15, 20, 25, 30, 35 and 40 years of City service and a reception immediately followed to honor the employees. The City Council reconvened in regular session at 11:26 a.m. with Councilmember Ronquillo arriving later.

- - - -

AND ENVIRONMENTAL FINDINGS, FILED BY EDUARDO QUINTANA, PROPERTY LOCATED ALONG THE WESTERLY SIDE OF N. HUMBOLDT AVENUE SOUTH OF W. BELMONT - 459 N. HUMBOLDT (*PROPERTY LOCATED IN DISTRICT 3*)

- a. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-27/R-01-45, DATED NOVEMBER 16, 2001
- b. **RESOLUTION NO. 2002-140** - AMENDING THE FRESNO HIGH-ROEDING COMMUNITY PLAN
- c. **BILL NO. B-20 - ORDINANCE NO. 2002-20** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-C TO P/CZ

President Perea announced the time had arrived to consider the issue, opened the hearing, and Planner Beedle gave a brief overview of the issue and recommended approval.

Barbara Hunt, 612 “F” Street, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-027, R-01-045 dated November 5, 2001, hereby approved; the above entitled Resolution No. 2002-140 hereby adopted; and the above entitled Bill No. B-20 rezoning the subject property subject to conditions of zoning outlined in the staff report and subject to the requirements imposed for Conditional Use Permit Application No. C-01-253 as related to the submission of the required development plan pursuant to Section 12-403-B-2 of the Fresno Municipal Code adopted as Ordinance No. 2002-20, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

(10:30 A.M. #1) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 35, FINAL TRACT NO. 5066

- 1. RESOLUTION NO. 2002-141** - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX
- 2. RESOLUTION NO. 2002-142** - CALLING A SPECIAL MAILED-BALLOT ELECTION
- 3. RESOLUTION NO. 2002-143** - DECLARING ELECTION RESULTS
- 4. * BILL NO. B-21 - ORDINANCE NO. 2002-21** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2002-2003 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 35

President Perea announced the time had arrived to consider the issue, opened the hearing. Assistant Public Works Director Holmes advised the annual assessment numbers in the resolutions and ordinance had been corrected to reflect \$68.00.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-141, 2002-142 and 2002-143 hereby adopted, the above entitled Bill No. B-21 adopted as Ordinance No. 2002-21, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-22, REZONING APPLICATION NO. R-01-34, AND ENVIRONMENTAL FINDINGS, FILED BY DAVID AND ESTHER HERRERA, TO DEVELOP PROPERTY AT THE SOUTHWEST CORNER OF N. BLACKSTONE AND W. ESCALON AVENUES WITH A USED AUTOMOBILE SALES LOT AND AN OFFICE BUILDING (LOCATED IN DISTRICT 2)

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-22/R-01-34/C-01-255, DATED MARCH 14, 2002

2. RESOLUTION - AMENDING THE BULLARD COMMUNITY PLAN

3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PROPERTY FROM R-1-C TO C-6

(REQUEST BY APPLICANT TO CONTINUE TO MAY 7, 2002, AT 9:50 A.M.)

President Perea noted the hearing was continued as requested with the approval of the agenda. Councilmember Ronquillo arrived at 11:32 a.m.

- - - -

(10:30 A.M. #2) THIRD QUARTER REPORT OF THE CONVENTION AND VISITORS BUREAU (CVB) TO THE CITY COUNCIL - COUNCILMEMBER DUNCAN

Reviewed by Councilmember Duncan who stated he scheduled the matter as a follow-up to the CVB's last report and noted there had been significant issues relative to the CVB's performance and he wanted an update on achievement of the performance standards and their plan of action to achieve the goals.

CVB Executive Director Lloyd Kennedy distributed material to Council, a copy of which is on file in the office of the City Clerk, and reviewed their productivity, performance measures accomplished to date, statistics and goals.

City Manager Hobbs advised staff was working on a position paper relative to how the City conducts its business; stated the City's concerns were representation (two seats out of 23), funding the CVB (over 70%), City subsidy of the convention center, and the CVB's performance and relationship with the City and explained; noted the forthcoming report would provide options for the Mayor and Council to look at and make a determination on how to handle the issue; and advised the line item for the \$827,000 for the CVB would not be included in next year's budget but would be placed under the convention center's budget for a decision by the Mayor and Council.

Speaking to the issue were and/or in support of the CVB were: Grover Groves, 1715 E. Alluvial #255; Cindy Galter, 3451 W. Dovewood; Raymond Deatherage, Vice President, West Coast Conference, 393 Timmy, Clovis; Steve Klein, President, Hotel-Motel Association, Board of Directors CVB, and Radisson Hotel General Manager, 2433 Ventura Street; Bill Kuebler, Downtown Association; Art Drolette, Fresno Dixieland Society, 5504 E. Gettysburg;

Dave Houck, 2130 W. Alluvial, Gay Pride Festival; Oran Cogdill, 2141 N. Parkway Drive **(4 - 0)**; Jim Pardini, CVB Board Member, 2257 W. Shaw; Darral Kennedy, 2864 E. Paul; Margie Cooper, CVB President, Piccadilly Inn Hotels; Erin Ould, 117 E. Fedora; and Barbara Hunt, 612 “F” Street.

Mr. Kennedy responded to questions of Councilmember Duncan relative to CVB’s discrepancies in their year-to-date calculations (as noted by city staff in their report), goals and measures numbers, plan to increase Bureau dollars and if the county room tax was included, if county funds were conditioned, if county board representatives had indicated any interest in eliminating the “strings” to make their funding part of the overall effort, bookings and goals, amount spent directly on conventions, amount spent on tourism/visitors, if the CVB was responsible for all conventions and special events, and projected travel and film impacts. Councilmember Duncan stated he was very disappointed in the CVB’s performance results and he was not convinced the City was getting a return on their dollars, and stated he hoped to get a commitment from the CVB to change things as the status quo was unacceptable.

Councilmember Ronquillo commented on accountability and stated a formula was needed and explained. Acting President Castillo stated all groups the city subsidized needed to be scrutinized and he was upset to hear every time Council holds someone accountable that it was political, and clarified the CVB was not being singled out and it was Council’s job to hold people accountable.

Extensive discussion ensued with Mr Hobbs, Councilmember Duncan, Mr. Kennedy, Convention Center Director Valdez and Mr. Groves clarifying issues and/or responding to questions of Councilmembers Boyajian, Quintero, Calhoun and President Perea relative to reason for the \$6 million convention center deficit, if the City was looking at the CVB to reduce that deficit, how the City anticipated to pay the convention center debt when it was built, what was expected of the CVB, local sales tax receipts, if the CVB had a tougher job because they had to sell Fresno which was an area tourists did not actually visit, it also being the City’s job to provide more amenities to increase tourism, Sacramento’s local sales tax receipts, other cities’ budgets compared to Fresno’s, what the CVB would do with more funding, need for additional resources for the CVB and revenue generation, if staff agreed with the CVB’s performance measures and if the CVB has performed, types of conventions wanted by the city but not getting **(5 - 0)**, lack of amenities and what was needed to attract wanted conventions, if the CVB was happy with the status quo, if the CVB felt it has met its measures, how 9/11 hurt tourism, if Fresno was considered a state convention city, the \$83 million in bookings by the CVB, how to achieve the city-county room tax referenced by Mr. Groves, if the City could talk with the County about a room tax, perception of personality issues, how the convention center differed from the CVB, number of cities that have the CVB as a city department, if the performance measures went through the CVB Board, if CVB staff and Board had a good working relationship, request for CVB Board attendance records, and if the CVB was responsible for operation of the water tower who was responsible for those fund-raising efforts.

Mr. Kennedy clarified issues relative to tourism and marketing efforts, and Pam Bradshaw commented on what was needed for conventions with exhibit shows. President Perea commented briefly on the issue and stated the city was under a lot of pressure to perform, concurred the issue was centered around performance, and stated if Fresno County wanted to continue participating on the CVB with the City they needed to “pony up” \$800,000+ in the next few months or he would strongly advocate a change in the governing structure of the CVB. There was no further discussion.

- - - -

LUNCH RECESS - 1:20 P.M. - 2:10 P.M. Councilmembers Quintero and Ronquillo arrived later.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-D) AWARD A CONTRACT FOR THE LEWIS S. EATON TRAIL - RIVERSIDE SECTION (PHASE I)

Purchasing Manager Taggart responded briefly to questions of Acting President Castillo relative to the process with the low bidder and their clerical error.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, Henderson Construction Co. of Clovis granted relief from their bid due to an inadvertent clerical error, and a contract for the Base Bid plus the Add-Alternate for construction of Phase I of the Riverside Section of the Lewis S. Eaton Trail awarded to American Paving Co. in the amount of \$165,487.10, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

(1-A) * RESOLUTION NO. 2002-144 - 16TH AMENDMENT TO SALARY RES. 01-199 RE-TITLING THE CLASS OF NET WORK SYSTEMS SUPERVISOR TO INFORMATION SERVICES SUPERVISOR

Interim Personnel Director Chavez and Information Services Manager Scott responded to questions of Acting President Castillo relative to whether the title change was a result of a Macias Group recommendation and if anyone was scheduled to take the position.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-144 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

(1-E) REJECT ALL BIDS FOR POWER GENERATION FACILITY EQUIPMENT INSTALLATION AND START-UP SERVICES

Purchasing Manager Taggart gave a brief update on the issue and explained the appeal process which was not included in the staff report.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the two bids received for the project from FHI Plant Services, Inc., of Las Vegas, NV, and Turbine Technology Services Corporation of Elk Grove, CA, hereby rejected as non-responsive to the specifications, and staff directed to rebid the project, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

(1-J) RESOLUTION NO. 2002-145 - APPROVING THE SUBMISSION OF AN APPLICATION FOR FY 2002-2003 GRANT FUNDS FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE SPECIAL VOLUNTEER PROGRAM TO SUPPORT HOMELAND SECURITY, AND AUTHORIZING THE EXECUTION OF ANY RELATED DOCUMENTS

Chief Dyer responded to questions of Councilmember Calhoun relative to how reserve officers and Citizens on Patrol (COP) volunteers were utilized. Councilmember Quintero arrived at 2:22 p.m. Chief Dyer and City Attorney Montoy responded to additional questions relative to whether reserve officers were armed, reserves being highly trained, their duties, and liability issues.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-145 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(1-M) AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH W. SOLUTIONS, INC., A HEALTH PROMOTION COMPANY, FOR A DEPARTMENT FITNESS PROGRAM

A motion and second was made to approve staff's recommendation. Upon the request of President Perea and Councilmember Duncan Chief Dyer clarified issues and reviewed the newly created physical ability/wellness program and associated benefits **(6 - 0)**. Councilmember Ronquillo arrived at 2:27 p.m.

Chief Dyer responded to questions of Councilmember Duncan relative to the number of officers out on workers comp injuries and confirmed the program did not include hiring a personal trainer. Councilmember Ronquillo commented on the need for officers to be fit both emotionally and physically and spoke in support of the program stating this was money well spent. Chief Dyer responded to questions of Acting President Castillo relative to whether the fitness coordinators/medical employees would be trained/certified professionals, what the anticipated volunteer rate was, if any goals had been set and if the program was discussed with police officers, request for a progress report in two to three months, and process used in selecting the vendor.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the Chief of Police authorized to enter into an agreement with W. Solutions, Inc., for the purpose of establishing a fitness program for the Police Department, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Barbara Hunt, 612 "F" Street, spoke in support.

- - - -

(11:00 A.M.) CONTINUED HEARING ON THE VACATION OF MAIN STREET BETWEEN “N” AND “O” STREETS, A PORTION OF “N” STREET BETWEEN TULARE AND MAIN, A PORTION OF THE “N-O” ALLEY BETWEEN TULARE AND MAIN, AND A PUBLIC UTILITY EASEMENT IN THE “N-O” ALLEY ALIGNMENT BETWEEN TULARE AND MAIN STREETS - R.I. 1027-D (CIVIC CENTER SQUARE’S REQUEST TO ACCOMMODATE THEIR CONSTRUCTION OF AN OFFICE BUILDING AND PARKING STRUCTURE IN ACCORDANCE WITH CUP NO. C-01-167)

1. * **RESOLUTION NO. 2002-146** - ORDERING THE VACATION OF THE ABOVE

President Perea announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Holes gave a brief overview of the issue and the proposed project and recommended approval.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Duncan stated he was reluctant to commit to something without final financing and permits in place, and made a motion to approve staff’s recommendation with two additional conditions, which motion was seconded and acted upon after brief discussion.

Mr. Holmes and Mr. Tutelian, CCSI, responded to questions, comments and/or concerns of Councilmembers Calhoun, Castillo and Quintero relative to why the vacation was being done, the vacation being premature, concern with the lack of financing even when the project was one-third its current size, CCSI requesting a conditioned abandonment of the road with the conveyance of Parcel 7, need for a certain amount of land for the project, and need for the vacation to take place to assist CCSI in marketing the project. Councilmember Ronquillo spoke in support and clarified with the placement of conditions nothing would happen until CCSI crossed a threshold with the City continuing to receive tax increment in the interim.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the above entitled Resolution No. 2002-146 hereby adopted, with the following two conditions prior to recording of the street vacation *in addition* to conditions outlined in Exhibit “B”: (1) all requirements of the Disposition and Development Agreement have been met for transfer of property to Civic Center Square, Inc. (CCSI); and (2) CCSI has been issued building permits to commence construction, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(11:30 A.M.) CONTINUED HEARING TO CONSIDER ALIGNMENT AND WIDTHS OF PROPOSED PUBLIC STREETS FOR A 26-PARCEL INDUSTRIAL DEVELOPMENT PROPOSED ON THE EAST SIDE OF N. BRAWLEY AVENUE BETWEEN W. SHAW AND W. ASHLAN AVENUES - TENTATIVE PARCEL MAP NO. 2001-15 (LOCATED IN DISTRICTS 1 AND 2)

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Lewis advised the two involved parties met as directed and had reached agreement and recommended approval.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. TPM-2001-15, dated March 4, 2002, hereby approved, and the proposed street alignment and widths as shown on Exhibit A dated January 22, 2002, (contained in the staff report), hereby approved, by the following vote;

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

RECESS - 2:52 P.M. - 3:00 P.M.

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: IN THE MATTER OF THE PETITION OF THE CITY OF FRESNO V. BNSF

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) - COUNCILMEMBER QUINTERO
2. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. CHERTA FARMS, INC., WELLS FARO BANK, NATIONAL ASSOCIATION U.S. SMALL BUSINESS ADMINISTRATION; FRESNO CERTIFIED DEVELOPMENT CORP; H-P PRODUCE CO.; COUNTY OF FRESNO; FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
2. CITY OF FRESNO V. UNION PACIFIC RAILROAD CO., A DELAWARE CORP; COUNTY OF FRESNO; STATE OF CALIFORNIA; FRESNO METROPOLITAN FLOOD CONTROL DISTRICT; SOUTHERN PACIFIC RAILROAD CO.; BRAUN & PASILLAS, INC.; SANTA FE PACIFIC PIPELINES, INC., A DELAWARE CORP.; SFPP, L.P., A DELAWARE LIMITED PARTNERSHIP; SPRINT COMMUNICATION CO., A DELAWARE LIMITED PARTNERSHIP

(D) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

PROPERTY: 3 PARCELS OF LAND (ONE IMMEDIATELY EAST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT OF WAY BETWEEN KERN AND MONO STREETS, AND 2 IMMEDIATELY WEST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT OF WAY BETWEEN TULARE AND INYO STREETS, INCLUDING THE OLD SANTA FE DEPOT

CITY NEGOTIATORS: DANIEL HOBBS, ANDREW SOUZA, MARK WILLIAMSON, JOHN HOLMES, CARL KASSABIAN, ROBERT ENGLISH, JIM OWENS, RAY JARVIS AND ROBERT WOOD

NEGOTIATING PARTIES: BURLINGTON NORTHERN SANTA FE (BNSF) RAILROAD

UNDER NEGOTIATION: INSTRUCTIONS WILL CONCERN PRICE AND TERMS OF PAYMENT

The City Council met in regular closed session and joint closed session with the Redevelopment Agency at the hour of 3:00 p.m. to consider the above issues and reconvened in regular open session at 4:07 p.m.

- - - -

(3:15 P.M.) WORKSHOP ON DOWNTOWN PARKING ISSUES INCLUDING METERS AND GARAGE OPERATIONS

1. RESOLUTION - RELATING TO DOWNTOWN PARKING ISSUES INCLUDING METERS AND PARKING GARAGE OPERATIONS - PRESIDENT PEREA

City Attorney Montoy advised in the absence of a formal resolution it would be lawful for Council to act by minute resolution if inclined to pursue any of the recommendations being presented and, if necessary, staff would return with formal resolution(s) or code clarifications in the future. Chief Transportation Engineer Madewell reviewed the issue and changes staff wished to make to the downtown area specifically to the garage operations, parking meter operations, and use of other facilities on city-owned lots, all as contained in the staff report as submitted.

Barbara Hunt, 612 “F” Street, spoke to the issue.

Discussion ensued with Mr. Madewell, Public Works Director Williamson and Ms. Montoy responding to questions, comments, and/or concerns of Councilmembers Boyajian, Ronquillo and Duncan relative to how the changes would impact downtown workers that already pay for parking permits and those who work after 6:00 p.m., need for flexibility for existing permit holders, if the monthly parking permit fee would be increased, electronic meters, sufficient parking being available, need to be proactive and support for staff’s recommendations, Councilmember Ronquillo stating additional parking spaces could be created by charging a premium price for premium parking and explained **(7 - 0)**, extending 2-hour metered parking in certain area, need to look into meters where people pay for the amount of time needed, and if garages/lots would be staffed 24 hours a day/7 days a week. Acknowledging a lot of issues would need to be worked out Councilmember Duncan stated the matter had to be moved forward and made a motion to approve staff’s recommendations. Councilmember Ronquillo requested staff take into consideration, and be sensitive to, people attending church and funerals.

Councilmember Quintero stated he was not sure he could support the motion, expressed his concern with receiving the material late, stated this was a big issue with people already paying for parking, and along with Councilmember Ronquillo and President Perea presented questions relative to a letter a county employee received from Ampco regarding moving their vehicles when needed and using alternate parking, whether the Galleria/Appellate Court/CCSI would have the ability to rent out their parking spaces after 6 pm, use of unimproved lots and lack of enforcement, if changes being requested would be in effect city-wide, average monthly fee for parking, and amount of revenue generated since meters were re-installed.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the changes outlined in Attachment “A” of the staff report: (1) Off Street Parking Meter Lots, Authority to Use for Daily Rates during Special Events, (2) On-Street Parking Meters, (3) Parking Garages and Surface Lots, and (4) Authority to Charge Fees at City lots (miscellaneous), hereby adopted by Minute Resolution, to be followed by formal resolution(s) and/or FMC clarification, if necessary, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes : Quintero
Absent : None

- - - -

(4:00 P.M.) CONTINUED HEARING TO REVIEW THE PLANNING COMMISSION'S ACTION IN REQUIRING AN ENVIRONMENTAL IMPACT REPORT (EIR) IN CONJUNCTION WITH CONDITIONAL USE PERMIT APPLICATION (CUP) NO. C-01-089, FILED BY ALW ENTERPRISES, INC., TO ESTABLISH A WOOD CHIPPING AND GRINDING OPERATION AT 5965 N. GOLDEN STATE BOULEVARD (LOCATED IN DISTRICT 2)

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Beach stated staff had grave concerns with the operation taking place at the site and had addressed the concerns with mitigation measures, advised the applicant indicated he had concern with a number of the conditions and the Planning Commission had concerns that staff's concerns were not being addressed, recommended Council sustain the Planning Commission's action requiring the EIR because the conditions would not be fully met, and Planner Dilbeck played a video tape of the site.

Speaking to the issue were: Attorney Harry Pascuzzi, representing the applicant ALW/Tim Weaver, who stated he wanted the Planning Commission to review and reconsider five issues raised on the mitigated negative declaration but ended up a required EIR and no consideration of their concerns, spoke in opposition to the EIR stating this was unprecedented as one had never been required for a similar type wood grinding operation, and explained what was involved in ALW's operation; Timothy Jones, 2445 Capitol, who stated his client's trucks were affected by ALW's debris, ALW would not agree to mitigation measures, and spoke in support of an EIR; and Barbara Hunt, 612 "F" Street.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun stated he debated whether to appeal the issue to Council as to him this was a cut and dry issue of a business not operating under the rules, stated the operation/site was unattractive and he was very concerned with that and explained, and stated the planning commission made the right decision and made a motion to approve staff's recommendation, which motion was seconded and acted after brief discussion.

Mr. Beach responded to questions of Acting President Castillo relative to the cost for an EIR and if this requirement was being placed on other sites, with Mr. Castillo stating this was a poster child for requiring an EIR and emphasized this operation was what travelers saw on Freeway 99 and was the type of thing the city was trying to eliminate. Councilmember Ronquillo stated it was the city's responsibility to set up a process and find locations for these types of operations and explained **(8 - 0)**. Councilmember Boyajian questioned why the city did not just close down the operation if it was illegal, if the applicant changed the use of his property and why the matter went before the planning commission (with Mr. Beach responding), and spoke in support of the required EIR stating he, too, was surprised with the requirement as it never happened even with things that were much grander and much more harmful to the environment.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Council hereby supports the Planning Commission's action requiring an Environmental Impact Report (EIR) for Conditional Use Permit Application No. C-01-089, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(3A)* BILL NO. B-19 (INTRODUCED 4/16/02) - **ORDINANCE NO. 2002-22** - REPEALING ARTICLE 29 OF CHAPTER 2 AND ADDING ARTICLE 29 TO CHAPTER 2 OF THE FRESNO MUNICIPAL CODE RELATING TO SHORT TERM LEASING OF OFFICE AND STORAGE SPACE

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-19 adopted as Ordinance No. 2002-22, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(3B) RESOLUTION NO. 2002-148 - ESTABLISHING THE INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS FOR IMPLEMENTATION OF VISION 2010 FOR DOWNTOWN FRESNO AND REVIEW OF FINANCING OPTIONS

A motion and second to approve staff's recommendation was made and acted upon after brief discussion, with Controller Quinto and City Manager Hobbs responding to questions of Acting President Castillo, President Perea and Councilmember Boyajian relative to what "proceeds of indebtedness" meant, amount of the reimbursement, if the \$30 million needed for Vision 2010 was being approved by taking this action, if costs would still occur by bonding, if staff would be reporting back on the best financing options, if staff was looking at public/private partnerships, and other funding options for Vision 2010.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-148 providing for the reimbursement of expenditures of up to \$3.25 million associated with FY 2003 activities related to implementation of Vision 2010 for Downtown Fresno hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(3C) APPROVE ON-SITE BASIN MODIFICATION ALTERNATIVE FOR PONDING BASIN EXPANSION AT 3400 N. GAP DRIVE

Assistant Public Works Director Holmes, Assistant City Attorney Hale and Assistant City Manager Souza clarified issues and/or responded to questions of Councilmember Calhoun relative to what was at issue and if staff was comfortable, and the city's obligations under the existing agreements. Acting President Castillo requested a change in the wording in Alternative No. 2b on Page 3 of the staff report to state: "b. Work with Redevelopment Agency staff to *modify* the previously approved funding agreement between the City and RDA", with Mr. Souza stating that would be discussed with the Agency Director. Councilmember Ronquillo noted a Council majority agreed on this direction and Council had to complete the obligation.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to (1) proceed with the on-site basin modification alternative, and (2) negotiate a Second Amendment to the 1999 Purchase Agreement with the GAP so as to waive City obligations for Basin "T" off-site relocation and sale of detention basin property, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(3D) APPROVE THE FIRST AMENDMENT TO THE PURCHASE AGREEMENT WITH THE GAP, INC., TO PROVIDE FOR THE SALE OF 7.71 ACRES OF LAND TO THE GAP, AND APPROVE PROPERTY ACQUISITION AGREEMENT FOR THE SALE OF 1.68 ACRES OF CITY LAND ON SHIELDS AVENUE TO THE STATE OF CALIFORNIA

1. RESOLUTION NO. 2002-149 - AUTHORIZING THE ASSISTANT CITY MANAGER TO NEGOTIATE TERMS, APPROVE, AND EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE OF LAND TO THE GAP, INC., AND TO THE STATE OF CALIFORNIA

Assistant Public Works Director Holmes reviewed the issue as contained in the staff report as submitted and a motion and second was made to approve staff's recommendation. Councilmember Quintero left at 5:42 p.m. and was absent for the remainder of the meeting. Assistant City Manager Souza and Assistant City Attorney Hale clarified issues and/or responded to comments, questions and/or concerns of Councilmember Calhoun relative to The Gap having cash flow problems yet wanting to purchase land, how the City was in a position to take The Gap's land and sell it, and the process undertaken and lack of information relative to the property being a super-fund site. Councilmember Ronquillo commented briefly stating it was outrageous that the City was in this position and that Council's hands were shackled due to the last administration and explained.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-149 approving the First Amendment to the Purchase Agreement with The Gap, Inc., authorizing the Assistant City Manager to execute the amendment and grant deed to convey 7.71 acres of land to The Gap after those documents are approved as to form by the City Attorney's office; approving Property Acquisition Agreement with the State of California for the sale of 1.68 acres of land to the State for use by the military, and authorizing the Assistant City Manager to execute the Grant Deed to the State hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes : None
Absent : Quintero

- - - -

(3E) APPROVE A PROFESSIONAL DESIGN SERVICES AGREEMENT WITH WATRY DESIGN, INC., FOR THE DESIGN OF THE NEW PARKING STRUCTURE AND ELEVATED WALK ON THE EXISTING CONVENTION CENTER SURFACE PARKING LOT

A motion and second to approve staff's recommendation was made and acted upon after brief discussion with Assistant Public Works Director Holmes and Project Manager Wood responding to questions and/or comments of Councilmembers Boyajian and Ronquillo relative to whether staff considered advice from a past parking structure expert on how to build parking structures without bonding, Watry Design's experience and why they were chosen, total project costs and what was included, and request to not build a parking structure behind the Selland Arena due to the future expansion of the arena.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the design agreement with Watry Design, Inc., hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes : None
Absent : Quintero

- - - -

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT REGARDING THE ROEDING BUSINESS PARK EXPANSION AND LACK OF ATTENTION TO HYDE PARK

Appearance made.

- - - -

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:57 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 7th day of May, 2002.

Henry Perea, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk